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2
3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 RICARDO MENDOZA-ROMAN,

11 Defendant.
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Case No: CR 12-687 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
REGARDING GUILTY PLEA**

Docket 50

14 On November 13, 2012, the Court referred this matter to Magistrate Judge Ryu for a
15 report and recommendation on the acceptance of Defendant's guilty plea. Dkt. 28. On
16 March 1, 2013, the Court issued an amended order of reference for change of plea, referring
17 this matter to Magistrate Judge Westmore ("the magistrate") for a report and
18 recommendation on the acceptance of Defendant's guilty plea. Dkt. 40. On March 13,
19 2013, the Defendant appeared before the magistrate and, with the assistance of counsel,
20 waived his right to enter a guilty plea before a district judge and instead consented to enter
21 his plea in a hearing before the magistrate. See Dkt. 50. The magistrate conducted a full
22 hearing in the manner set forth in Federal Rule of Criminal Procedure 11. Id. After the
23 advisements set forth in Rule 11, the Defendant entered a guilty plea in open court.
24 Specifically, the Defendant pled guilty pursuant to a written plea agreement to Count One
25 of the Information charging Defendant with conspiracy to commit identification document
26 fraud in violation of 18 U.S.C. § 371. Id. The magistrate found that Defendant was fully
27 competent and capable of entering an informed plea, that he was aware of the nature of the
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1 charges and the consequences of the guilty plea, and that the guilty plea was knowing and
2 voluntary and supported by an independent factual basis. Id.

3 On March 14, 2013, the magistrate issued a Report and Recommendation Regarding
4 Guilty Plea in which she recommends that this Court accept Defendant's guilty plea. Dkt.
5 50. The Report and Recommendation advises the parties that they may serve and file
6 specific written objections to the order within fourteen days after being served with a copy
7 of the order. Id. No written objections to the Report and Recommendation were filed prior
8 to the hearing. At the May 14, 2013 sentencing hearing in this matter, the parties indicated
9 that they have no objections to the Report and Recommendation. Accordingly,

10 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation
11 (Dkt. 50) is ACCEPTED, the Defendant's guilty plea is accepted, and the magistrate's
12 Report and Recommendation shall become the order of this Court.

13 IT IS SO ORDERED.

14 Dated: 5/14/13

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16 SAUNDRA BROWN ARMSTRONG
17 United States District Judge
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